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S E C R E T SECTION 01 OF 03 BAGHDAD 002304

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SUBJECT: MEK SECURITY TRANSITION: INFORMAL MULTI-PARTY  
DISCUSSIONS MOVE PROCESS FORWARD

REF: A. BAGHDAD 1889

1B. BAGHDAD 2215

1C. BAGHDAD 2234

1D. STATE 76032

Classified By: PolMil MinCouns Marcie B. Ries for reasons 1.4 (b) and (d)

11. (S) SUMMARY: Informal discussions on July 20 among the GOI, USG, ICRC, UNAMI, and Mujahedin e-Khalq (MEK) leaders from Ashraf helped to clarify the positions and roles that each party would play in the transfer of responsibility for the MEK from the USG to the GOI, and the ensuing questions of legal status and repatriation. The Minister of Human Rights traveled to a U.S. facility near Baghdad Airport for the meetings but declined to meet directly with the MEK leadership. Instead, she delegated a Ministry official to meet with an attorney for the MEK to confirm the GOI's intention to treat Ashraf residents in accordance with its responsibilities under Iraqi and international law.

12. (S) The ICRC and UNAMI expressed willingness to play a role in support of the transfer of authority, with their focus on the protection of individual residents' rights and safety, but stopped short of offering to act as guarantors. The ICRC is prepared to facilitate repatriation to Iran for willing members. The MEK leadership from Ashraf were fearful of coming under GOI protection and asserted that the USG should protect the organization as long as U.S. forces are in Iraq. Each party emphasized to the MEK that the transfer was inevitable, and MEK cooperation in developing the process would help ensure the protection of each individual. Planned next steps include a "census" of camp residents with interviews conducted by MNF-I, a visit by the ICRC to Ashraf, and a follow-up joint visit by the ICRC and Minister of Human Rights. END SUMMARY.

#### PARTICIPANTS

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13. (C) Task Force 134 (TF134) organized informal stakeholder discussions at Camp Cropper on July 20 about the transfer of responsibility for the Mujahedin e-Khalq (MEK) from the USG to the GOI. The meetings were hosted by TF134 under RDML Gar Wright. Minister of Human Rights Wijdan Salim represented the GOI along with two Ministry of Human Rights (MoHR) officials. PolMil Min-Couns Marcie Ries, PolMil DepCouns and PolOff participated, as did the ICRC (head of delegation Juan Pedro Schaerer, Larry Maybee, Laurent Saugy, and Silvana Mutti) and the UNAMI human rights office (Olivier Bercault and Martin Bohnstedt). The MEK team from Ashraf included three of its leaders (Mojgan Parsaii, Zohreh Akhiani, and Mehdi Braie) as well as Behzad Saffari, Ali Bahari Javan, and a Farsi-English interpreter.

#### MEK-ICRC

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14. (C) The ICRC and the MEK members met first in a private three-hour meeting. According to Schaerer, the MEK were very fearful of the transfer, mainly due to anti-MEK public

statements from GOI spokesman Ali al-Dabbagh, members of the Council of Representatives, and the Council of Ministers (ref A). However, the MEK generally understood that things would have to change as U.S. forces leave Iraq. The MEK were concerned that under GOI protection they would be expelled from Iraq, killed, or detained arbitrarily. Schaeerer said, in principle, the MEK understood they would need to start planning for a transfer now, but they want to do this gradually.

¶ 15. (C) During the private meeting with the MEK, according to Schaeerer, the ICRC delegation sought to help the MEK understand that they have rights as individuals, but not as a group. ICRC legal opinion is that the "occupation" ended in June 2004, and thus Article Four of the Fourth Geneva Convention does not apply to protection of the MEK by the USG. They informed the MEK that the transfer would take place no matter what, and they needed to start talking and planning now. They also said there would need to be an independent "census" of each MEK member, and the MEK agreed in principle to this request. They raised the issue of family visits to Ashraf, but decided to postpone discussing the details until the ICRC visited Ashraf. In response to MEK fears, the ICRC assured them that they have been talking to the GOI about ensuring that the MEK are protected.

ICRC-UNAMI-USG-GOI

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¶ 16. (C) The ICRC then huddled with the Ministry team, TF134, and the Embassy to discuss next steps, with UNAMI joining in the midst of the discussion. To Minister Wijdan, the ICRC delegation emphasized their organization's red lines: the

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ICRC would not be the spokesman for the GOI, the GOI cannot use the ICRC as the legitimating factor in the media, and the ICRC would need to preserve its independence. They added that the GOI would need to develop a plan for those MEK who do not want to return to Iran. Schaeerer encouraged the Minister to meet with the leadership and use them to get access to individual members and enter into Ashraf. He said the leadership is very strong, and thus it is important to send them a message that can be relayed to the members.

¶ 17. (C) The ICRC and UNAMI expressed willingness to play a role in support of the transfer of authority, with their focus on the protection of individual residents' rights and safety, but stopped short of offering to act as guarantors. ICRC said they were prepared to facilitate repatriation to Iran for willing members.

¶ 18. (C) The ICRC said they wanted to remind the USG that it must assess the risks of a transfer. If the risks are verified, the USG should prevent a transfer, and responsibility should only be transferred if individual rights are respected. On next steps, the ICRC said the census should be conducted entirely by TF134, who needs to explain to each individual his or her rights. The ICRC did say they would look over any questions TF134 wanted to ask, but stressed they would not take part in the interviews. After the census, they said they want to soon visit Ashraf alone, before they decide on future involvement, and then visit the camp with Minister Wijdan. The delegation said they would be involved in facilitating family visits, and believe these visits are important to put the members more in touch with reality. In the future, the ICRC could help with any new refugees who wish to repatriate to Iran.

¶ 19. (C) Minister Wijdan emphasized that the GOI wants to focus on the protection of individuals and questioned the necessity to meet directly with the MEK leadership. Wijdan said the next step should be to conduct interviews of each individual in the camp in order to get identification information and ask each whether he or she would leave if given the chance. TF134 undertook to carry out this "census." After that, Wijdan said she would go to Ashraf on

a "humanitarian visit," stressing that this visit must be carried out jointly with the ICRC in order to show the MEK that the GOI has international credibility. U.S. officials urged Wijdan to meet with the MEK leadership soon, emphasizing that many of the fears that individual members may have come directly from the leadership, and it is thus essential to allay the concerns of the leaders. TF134 will soon conduct the census and interviews and will then facilitate trips for Minister Wijdan to Ashraf.

¶10. (C) UNAMI reiterated their main points from a previous meeting with TF134 and the Embassy (ref B). They want to make sure the transfer includes non-refoulement assurances, protection of the MEK, and finding a legal status solution for each individual. They said that in random interviews they conducted with members in 2007, the majority strongly wanted to remain with the MEK in Iraq.

¶11. (S) Separately, an MoHR official, accompanied by a TF134 observer, met with an attorney for the MEK to confirm the GOI's intention to treat Ashraf residents in accordance with its responsibilities under Iraqi and international law. According to the TF134 observer, the atmosphere was tense and hostile.

¶12. (C) The final meeting included the MEK, ICRC, UNAMI, TF134, Embassy Pol, and Embassy Pol-Mil (minus Min-Couns) but no MoHR personnel, the Minister having received guidance from the PM on short notice that she should not meet that day with the MEK (septel). In a prepared statement, Mojgan Parsaai emphasized the MEK's view that so long as U.S. forces are in Iraq, the USG has the responsibility to protect the MEK. The responsibility, she argued, arises under international law, and in particular Article Four of the Fourth Geneva Convention and the principle of non-refoulement. Although the MEK representatives accepted that U.S. forces will leave in the future, the MEK believes that until the day these forces leave, they must protect the MEK. Parsaai further argued that protection of the MEK should be enshrined in any SOFA or long-term agreement between the GOI and USG.

¶13. (C) After expressing disappointment that Minister Wijdan was not present, Parsaai said they hoped to pass the message to the Minister and to PM Maliki that the MEK - "contrary to Iranian propaganda" - was not against the GOI and even supported the PM. Parsaai added that the MEK only view Iraq as a temporary home. She invited the GOI to Ashraf and hoped that Wijdan would meet with them.

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14 (C) Emboffs responded that the U.S. wishes to find a solution and will work with all parties to ensure individual rights are protected; waiting to transfer authority until the departure of the last U.S. troops was imminent was not a formula for success. The presence of the ICRC and UNAMI reps, and the PM's selection of the Minister of Human Rights as the lead on resolving the Ashraf problem should reassure the MEK that they were not alone in seeking protection for the rights of camp residents. The UNAMI officials warned the MEK that MNF-I will not be in Iraq forever, and all parties need to find a solution, especially on the legal status of the MEK.

¶15. (C) COMMENT: The informal discussions clarified the roles that each party would play in the transfer of responsibility and thereafter. While the last\*minute refusal of Minister Wijdan to meet directly with the MEK was discouraging, we believe she is sincere in wanting to visit Ashraf and meet with MEK members soon. To do so she will have to persuade the PM, the Interior Minister, and other GOI leaders with deeply felt grievances that dealing correctly with the individuals at Ashraf does not equate to indulging terrorism. The ICRC is engaged and will be an essential partner throughout this process, albeit not willing to act as a formal guarantor of MEK security. We will encourage a

visit by Minister Wijdan to Ashraf and a face-to-face meeting  
with MEK leaders in the near future.  
CROCKER